

Board Office Use: Legislative File Info.	
File ID Number	16-1057
Introduction Date	May 25, 2016
Enactment Number	16-0756
Enactment Date	5/25/16 02



OAKLAND UNIFIED  
SCHOOL DISTRICT

Community Schools, Thriving Students

# Memo

**To** Board of Education

**From** Antwan Wilson  
Superintendent

**Board Meeting Date** May 25, 2016

**Subject** **Adoption of Resolution 1516-0216, Requesting State Superintendent Of Public Instruction For Renewal of Alternative School of Choice Waiver of Education Codes Pertaining to Computing Average Daily Attendance (ADA).**

**Action Requested** Adoption of Resolution 1516-0216– Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Computing Average Daily Attendance (ADA) for the period from July 1, 2016 to June 30, 2018 to fully implement the Gateway to College Alternative High School at Laney College.

**Background**  
*A one paragraph explanation of why the consultant's services are needed.*

Gateway to College is a nationally recognized education model serving youth who have dropped out of high school. In June 2008, the District authorized the establishment of Gateway as an Alternative education high school to be operated on the Laney Campus. Students attending Gateway are concurrently enrolled in Laney and Oakland Unified School and from their first day earn credits toward a high school diploma and an Associate's Degree. Gateway's student body is largely comprised of foster youth, adjudicated youth, teen parents, and students recovering from homelessness or drug and alcohol abuse.

**Discussion**  
*One paragraph summary of the scope of work.*

Gateway to College at Laney Alternative High School is a school of high expectations and equally high levels of community support with the goal that vulnerable youth receive a second chance to re-engage in education in a meaningful way and create better lives for themselves.

The District will seek and obtain all necessary renewal waivers from the California Department of Education in order to fully continue to support Gateway. Under the Waiver Authority of the Education Code Section 58509, the particular Education Code or the California Code of Regulations Section(s) or portion thereof to be waived is: Computing Average Daily Attendance.



This is a request to again seek waiver of the following sections of the California education Code related to computation of average daily attendance for high schools.

- Education Code §41601 – Reports of average daily attendance
- Education Code §46202 – Reduction of districts apportionment
- Education Code §46300 – Method of computing average daily attendance
- Education Code §46305 – Reports of active enrollment
- Education Code §48802 – Allowance and Appointments for concurrently enrolled students

The aforementioned sections provide the process and unit of measurement for student accounting procedures used in apportioning and distributing state ADA funds for education. In particular, section 46300 provides, in part, that in computing average daily attendance, pupils should be under the immediate supervision and control of an employee of the District who possesses a valid certification document.

Under the California Department of Education regulation and the Alternative School of Choice Waiver Request for (CDE form AEW-1 (Rev 3/10), no public hearing is required if the renewal waiver is not controversial. In addition, meet and confer with bargaining units and review by the SSC are not required if the renewal waiver is not controversial. OEA and the SSC have been advised that the District is seeking renewal of the waivers. There is no controversy related to the Gateway program.

**Recommendation**

Adoption of Resolution 1516-0216– Request to the State Superintendent of Public Instruction for Renewal of Alternative School of Choice Waiver of Education Codes pertaining to Computing Average Daily Attendance (ADA) for the period from July 1, 2016 to June 30, 2018 to fully implement the Gateway to College Alternative High School at Laney College.

**Fiscal Impact**

Funding resource name: None to the District

**Attachments**

- Resolution No. 1516-0216
- Alternative School of Choice Renewal Waiver Request with Attachment

Board Office Use: <b>Legislative File Info.</b>	
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RESOLUTION  
OF THE  
BOARD OF EDUCATION  
OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT

Resolution No. 1516-0216

Request to the State Superintendent of Public Instruction for renewal of the Alternative School of Choice Waiver of Education Codes pertaining to **Computing Average Daily Attendance (ADA)**. This is a renewal request to waive the following sections of the California Code related to computation of average daily attendance for high schools: *Education Code § 41601 – Reports of average daily attendance, Education Code § 46202 – Reduction of districts apportionment, Education Code § 46300 – Method of computing average daily attendance, Education Code § 46305 - Reports of active enrollment, Education Code § 48802 – Allowances and Apportionments for concurrently enrolled students for Fiscal Years 2016-2017 and 2017-2018.*

**WHEREAS**, The Oakland Unified School District (District) and the Peralta Community College District operate the Gateway to College alternative high school on the Laney College Campus; and

**WHEREAS**, the aforementioned sections provide the process and unit of measurement for student accounting procedures used in apportioning and distributing state ADA funds for education; and

**WHEREAS**, section 46300 provides, in part, that in computing average daily attendance, pupils should be under the immediate supervision and control of an employee of the District who possesses a valid certification document; and

**WHEREAS**, the program is offered on a college campus, the District is requesting renewal of the waiver renewal of the method of computing average daily attendance for K-12 schools; and

**WHEREAS**, the students are under the supervision and control of a community college instruction; and

**WHEREAS**, under the agreement with the District, Laney (Peralta Community College District) will not claim Full Time Equivalent Student (FTES) apportionment and instead, the District will claim ADA on behalf of the alternative school established at Laney College (Gateway to College) under the method identified in section 58001.3; and

**WHEREAS**, under the requirement that students be under the supervision and control of a certificated District employee, the District believes that supervision by a qualified community college faculty person satisfies the intent and purpose of the law; and

**WHEREAS**, Section 66700 of the Education Code provides, in part, that California Community Colleges are part of the public school system of the state. Section 53405 of the California Code of Regulation provides that references to certificated employees in the California Code of Regulations, as it pertains to community colleges, apply to community college faculty who meet the minimum qualifications required by the Code. In support of the conclusion that supervision by certificated community college employees satisfies that statute, we note that students can receive high school credit for courses taught by community college faculty under section 48800 (c) of the Education Code; and

**WHEREAS**, Gateway to College at Laney College is part of the Early College High School Network which is listed as a type of school that can be established under the statutory framework of section 58500 et seq. of the Education Code. The school was established in accordance with statutory procedures and approved by the governing board of the Oakland Unified School District and the California Department of Education, and

**WHEREAS**, renewal of the waiver of the aforementioned K-12 provisions is necessary to continue to fully implement the Gateway to College model in the college setting; and

**WHEREAS**, the District is requesting renewal of the waiver for two years; and

**WHEREAS**, the request by the District for and granting of the renewal of the Waiver by the State Superintendent of Public Instruction will allow Gateway to College to continue to operate on the Laney College campus and collect apportionment, which it would otherwise be denied; and

**WHEREAS**, the request by the District and granting of the renewal of the Waiver by the State Superintendent of Public Instruction will not have a negative fiscal impact on, or otherwise harm, the District; and

**WHEREAS**, as provided by California Department of Education regulations a public hearing is not required for renewal requests that are not controversial; and

**WHEREAS**, this renewal waiver request is not controversial; and

**WHEREAS**, at its May 25, 2016 meeting, the Board of Education authorized the District to seek waiver of Education Codes pertaining to ADA; and

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Education of the Oakland Unified School District hereby approves the District's Request for Alternative School of Choice Waiver of Education Codes pertaining to Computing Average Daily Attendance, this renewal request to waive the following sections of the California Code related to computation of average daily attendance for high schools: *Education Code § 41601 – Reports of average daily attendance, Education Code § 46202 – Reduction of districts apportionment, Education Code § 46300 – Method of computing average daily attendance, Education Code § 46305 - Reports of active enrollment, Education Code § 48802 – Allowances and Apportionments for concurrently enrolled students.*

**PASSED AND ADOPTED** by the Governing Board of the Oakland Unified School District this 25th day of May, 2016, by the following vote, to wit:

AYES: Jumoke Hinton Hodge, Jody London, Aimee Eng, Roseann Torres, Shanthi Gonzales, Vice President  
Nina Senn, President James Harris

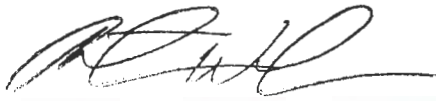
NOES: None

ABSTAINED: None

ABSENT: None

### **CERTIFICATION**

I, hereby certify that the foregoing is a full and true and correct copy of a Resolution passed at a Special Meeting I of the Board of the Oakland Unified School District held on May 25, 2016.



Antwan Wilson  
Superintendent and Secretary, Board of Education

File ID Number: 16-1057  
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By: OS

Renewal Waiver Application  
[Computing ADA]

Part II. Purpose and Desired Outcomes

1. ***Summary of the Education Code or California Code of Regulations Section(s) or portion(s) to be waived.*** Please summarize the meaning, in plain language, of the Education Code or California Code of Regulations Sections(s) or portions(s) to be waived. If a portion of a section is requested to be waived, include that portion verbatim.

This is a renewal request to waive the following sections of the California Education Code related to school attendance and minimum school day, minimum school week and minimum school-year.

- *Education Code § 41601 – Reports of average daily attendance*
- *Education Code § 46202 – Reduction of districts appointment*
- *Education Code § 46300 – Method of computing average daily attendance*
- *Education Code § 46305 – Reports of active enrollment*
- *Education Code § 48802 – Allowances and Apportionments for concurrently enrolled students*

The aforementioned sections provide the process and unit of measurement for student accounting procedures used in apportioning and distributing state ADA funds for education. In particular, section 46300 provides, in part, that in computing average daily attendance, pupils should be under the immediate supervision and control of an employee of the district who possesses a valid certification document.

2. ***Desired outcome/rationale.*** State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations.

The legislation authorizing the establishment of alternative schools of choice provides, in part, that school districts may establish alternative schools based on the premise that the best learning takes place when the student learns because of his or her desire to learn. Alternative schools and programs of choice are often characterized by responsiveness to instructional style differences, the positive consequences of being a school of choice, and small unit size. The Gateway to College alternative high school fits this profile.

Gateway to College at Laney College ("Gateway") serves 350 students, 16 to 20 years old, who have dropped out of school and provides a second chance for students to get back on a path leading to economic and educational opportunity. In keeping with the statutory purpose, the program achieves success by maintaining a learning situation that maximizes student self-motivation and encourages a student in his own time to follow his interests.

- Student Support systems (e.g., focus on academic and non-academic barriers)
- Professional Development for faculty and staff (e.g., mission and core values communicated, roles and responsibilities are clearly communicated)

*School is Legally Compliant*

Gateway to College at Laney College is part of the Early College High School Network which is listed as a type of school that can be established under the statutory framework of section 58500 et seq. of the Education Code. The school was established in accordance with statutory procedures and approved by the governing board of the Oakland Unified School District and the California Department of Education.